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November 22, 2019

BY CM/ECF

The Honorable Debra Freeman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Eastern Profit Corp. Ltd. v. Strategic Vision US LLC*,
C.A. No. 18-cv-2185 (JGK)

Dear Judge Freeman:

I write on behalf of Plaintiff/Counterclaim-Defendant Eastern Profit Corporation Limited (“Eastern”) in response to the November 19, 2019 letter motion (the “Motion”; Dkt. No. 197) submitted by Defendant/Counterclaim-Plaintiff Strategic Vision US LLC (“Strategic Vision”) seeking to hold third party ACA Capital Group Limited (“ACA”) in contempt, compel it to appear for a deposition, and produce various documents. Strategic Vision’s Motion should be denied.

The Motion is just the latest in a series of scorched-earth tactics that are disproportionate to this case and serve only to increase the costs of litigation on the parties, non-parties, and the Court. Indeed, in addition to trying to reopen discovery that Strategic Vision has already taken, it has recently gone on a subpoena-spree, serving subpoenas upon a large number of additional third parties that have nothing to do with this case, including Steven Bannon, Cloudflare, Inc., Google, LLC, GoDaddy.com, LLC, Twitter, Inc., LinkedIn Corporation, Verizon, LLC, T-Mobile USA, Inc., and AT&T Corp.

Even if Strategic Vision’s Motion were not disproportionate and vexatious, it fails for independent reasons. As an initial matter, it is Eastern Profit’s understanding that Strategic Vision has never properly served ACA. As set forth in its November 19 letter, Strategic Vision served Karin Maistrello with a subpoena on July 27, 2019. Prior to that date, however, Ms.



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Maistrello resigned as director of ACA and was replaced by another individual. *See* Exhibit A. In an attempt to get around that fact, Strategic Vision claims that ACA has “no evidence that Maistrello’s resignation was effectively accepted,” which, according to Strategic Vision, somehow makes her acceptance of the subpoena binding upon ACA. But such an exercise in burden shifting has no justification.

Second, the entire basis of Strategic Vision’s request to reopen discovery into matters that, as discussed below, are entirely collateral to the claims and defenses at issue in this litigation is based on a faulty premise. Strategic Vision claims that Eastern Profit’s assets in Hong Kong have been frozen by the Chinese Communist Party (“CCP”) because of Mr. Guo’s dissident status and the fact that ACA was able to transfer the \$1 million deposit to Strategic Vision in December 2017 is evidence that Mr. Guo is in fact not a dissident. But, once again, that is simply not true.

The assets of Mr. Guo and Eastern Profit that have been frozen in Hong Kong were frozen, not by the CCP or Mainland China, but by *the High Court of Hong Kong*. *See* Exhibit B. That fact does not, in any way, shape, or form, support Strategic Vision’s allegation that Mr. Guo is not a dissident of Mainland China, and is therefore irrelevant. Nor does it justify the expansive, unduly burdensome, overbroad, and disproportional discovery that Strategic Vision seeks to obtain on that basis. Indeed, through its November 19 letter, Strategic Vision’s seeks nothing more than to rehash discovery arguments that the Court has already rejected. *See* Exhibit C, Aug. 21, 2019 Hearing Tr. at 24-72. For these reasons, Strategic Vision’s Motion should be denied.

We look forward to addressing these issues with the Court during Monday’s hearing.

Respectfully submitted,

/s/ Joanna J. Cline

Joanna J. Cline

cc: All Counsel of Record (By CM/ECF)